

The Gazette of India



EXTRAORDINARY
PART II—Section 1
PUBLISHED BY AUTHORITY

No. 41] NEW DELHI, SATURDAY, DECEMBER 30, 1950

MINISTRY OF LAW

New Delhi, the 30th December, 1950

The following Acts of Parliament received the assent of the President on the 28th December, 1950 and are published for general information:—

THE TELEGRAPH WIRES (UNLAWFUL POSSESSION) ACT, 1950

No. LXXIV OF 1950

An Act to regulate the possession of telegraph wires and to provide for the punishment of the offence of unlawful possession thereof.

[28th December, 1950]

Be it enacted by Parliament as follows:—

1. **Short title, extent and commencement.**—(1) This Act may be called the Telegraph Wires (Unlawful Possession) Act, 1950.

(2) It extends to the whole of India.

(3) It shall come into force in any State on such date as the Central Government may, by notification in the Official Gazette, appoint for such State, and different dates may be appointed for different States.

2. **Definitions.**—In this Act,—

(a) “prescribed” means prescribed by rules made under this Act;

(b) “telegraph wire” means copper wire of any one of the following gauges commonly used in telegraph lines, namely, one hundred and fifty pounds per mile, two hundred pounds per mile or three hundred pounds per mile.

3. **Duty to declare possession of telegraph wires.**—Every person in possession of telegraph wires shall, within six months from the commencement of this Act, make a declaration in writing, in such form and to such authority as may be prescribed, stating the quantity of telegraph wires in his possession.

4. Duty to have telegraph wires converted or sold.—Every person in possession of telegraph wires which exceed ten pounds in weight shall, within one year from the commencement of this Act, have the whole of the quantity as is in excess of ten pounds converted into ingots:

Provided that it shall be open to any such person to sell the whole or any part of the telegraph wires in his possession at such price and to such authority as may be prescribed.

5. Penalty for unlawful possession of telegraph wires.—Whoever is found or is proved to have been in possession of any quantity of telegraph wires which the court has reason to believe to be, or to have been, the property of the Posts and Telegraphs Department of the Central Government shall, unless he proves that the telegraph wires came into his possession lawfully, be punishable with imprisonment for a term which may extend to five years, or with fine, or with both:

Provided that where a person has made a declaration under section 3 in relation to any quantity of telegraph wires, the burden of proving, in respect of the quantity so declared, that it came into his possession lawfully, shall not be on such person.

6. Penalty for contravention of provisions of section 3 or section 4.—Any person who fails to make a declaration as required by section 3 or fails to comply with the provisions of section 4 shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

7. Cognizance of offences.—(1) No court shall take cognizance of any offence punishable under this Act, save on complaint made by or under the authority of the Central Government or by an officer specially empowered in this behalf by that Government.

(2) No court inferior to that of a presidency magistrate or a magistrate of the first class shall try any offence punishable under this Act.

8. Power to make rules.—(1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the form in which, and the authorities to which, declarations under section 3 may be made;

(b) the authorities to which, and the prices at which, telegraph wires may be sold under section 4.

THE INDIAN NURSING COUNCIL (AMENDMENT) ACT, 1950.

No. LXXV OF 1950

An Act to amend the Indian Nursing Council Act, 1947.

[28th December, 1950]

Enacted by Parliament as follows:—

1. Short title.—This Act may be called the Indian Nursing Council (Amendment) Act, 1950.

2. Amendment of section 10, Act XLVIII of 1947.—In sub-section (3) of section 10 of the Indian Nursing Council Act, 1947,—

(a) for the words “in any State or country outside the States” the words and letter “in any Part B State or foreign country” shall be substituted;

(b) in the first proviso,—

(i) for the words “of the State or country” the words “of the foreign country” shall be substituted;

(ii) for the words “in any State” the words “in India” shall be substituted;

(iii) for the words “in that State or country” the words “in that country” shall be substituted; and

(c) for clause (ii) of the second proviso, the following clause shall be substituted, namely —

“(ii) any qualification granted by an authority in a Part B State and recognised on the said date by the State Council of a State to which this Act extends, shall continue to be a recognised qualification for the purpose of registration in that State.”

THE STATE RAILWAY PROVIDENT FUND (TEMPORARY PROVISIONS) ACT, 1950.

No. LXXVI OF 1950

An Act to make temporary provisions for the payment of moneys in the State Railway Provident Fund to dependants of deceased displaced persons.

[28th December, 1950]

BE it enacted by Parliament as follows:—

1. Short title, extent and duration.—(1) This Act may be called the State Railway Provident Fund (Temporary Provisions) Act, 1950.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall cease to have effect on the 31st day of December, 1952, save as respects things done or omitted to be done before that date.

2. Definitions.—In this Act, unless the context otherwise requires,—

(a) “Accounts Officer” means the Financial Adviser and Chief Accounts Officer of a railway administration and includes such other officer as may be appointed in this behalf by the Financial Commissioner, Railways;

(b) “dependant” means any of the following relatives of a deceased subscriber to, or a depositor in, the State Railway Provident Fund who was a displaced person, namely:—

wife, husband, child and a deceased son's widow and child;

(c) “displaced person” means a person employed under the North-Western railway administration or the Bengal and Assam railway administration before the 15th day of August, 1947, who, on account of the setting up of the Dominions of India and Pakistan or

on account of civil disturbances or the fear of such disturbances in any area now forming part of Pakistan,—

(i) was displaced from, or left his place of residence in, such area after the 1st day of March, 1947, or

(ii) opted for employment in any area now forming part of India, or

(iii) did not opt for employment in any area now forming part of Pakistan;

(d) "State Railway Provident Fund" means the Provident Fund as constituted under the State Railway Provident Fund Rules.

3. Application of the Provident Funds Act, 1925.—The provisions of this Act shall have effect notwithstanding any provisions inconsistent therewith contained in the Provident Funds Act, 1925 (XIX of 1925), but shall not be in derogation of any of the other provisions of that Act.

4. Repayment of State Railway Provident Fund moneys in certain cases.—(1) Where, in the case of any deceased displaced person, the Accounts Officer is satisfied, after such inquiry as may be prescribed, that any nomination made by the deceased displaced person in respect of any sum standing to his credit in the State Railway Provident Fund has been lost or is not readily available and that the terms of that nomination cannot be proved otherwise, he shall pay the sum so standing to his credit to his dependants in equal shares:

Provided that no share shall be payable to—

(a) sons or sons of a deceased son who have attained majority,

(b) married daughters whose husbands are alive, and

(c) married daughters of a deceased son whose husbands are alive,

if there are any other dependants, and the share which a dependant would otherwise have taken if not disqualified under this proviso shall be divided among the other dependants in equal shares:

Provided further that the widow and the children of a deceased son shall take between them in equal parts the share which that son would have taken, if he had survived the subscriber and had not attained majority at the time of the subscriber's death.

(2) If there are no dependants, any such sum as is specified in subsection (1) shall be payable,—

(a) if the sum does not exceed five thousand rupees, to any person appearing to the Accounts Officer, after such inquiry as may be prescribed, to be entitled to receive it;

(b) if the sum exceeds five thousand rupees, to any person on production by such person of probate or letters of administration or succession certificate entitling him to receive payment of such sum.

5. Discharge on payment.—The making of a payment authorised by the provisions of this Act shall be a full discharge to the Central Government and to the railway administration concerned from all liability in respect of the sum so paid:

Provided that nothing contained in this Act shall prevent any person claiming under a nomination or declaration made by a deceased displaced

person from establishing in a court the right which he claims and following the money into the hands of the persons who have received payment thereof under the provisions of this Act.

6. Penalty for false statements.—Any person who, for the purpose of obtaining any payment under the provisions of this Act, makes a declaration or statement which is false or which he either knows or has reason to believe to be false or does not believe to be true shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

7. Bar of jurisdiction.—No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under the provisions of this Act.

8. Power to make rules.—The Central Government may make rules to carry out the purposes of this Act, and, in particular, for—

(i) regulating the manner in which any inquiry may be made by the Accounts Officer;

(ii) requiring security to be furnished by any person before payment of any sum is made to him under the provisions of this Act.

THE APPROPRIATION (RAILWAYS) No. 2 ACT, 1950

No. LXXVII OF 1950

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the year ending on the 31st day of March, 1951, for the purposes of railways.

[28th December, 1950].

Enacted by Parliament as follows:—

1. Short title.—This Act may be called the Appropriation (Railways) No. 2 Act, 1950.

2. Issue of Rs. 21,95,91,000 out of the Consolidated Fund of India for the year 1950-51.—From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 8 of the Schedule amounting in the aggregate to the sum of twenty-one crores, ninety-five lakhs and ninety-one thousand rupees towards defraying the several charges which will come in course of payment during the year ending on the 31st day of March, 1951, in respect of the services relating to railways specified in column 2 of the Schedule.

3. Appropriation.—The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the 31st day of March, 1951.

SCHEDULE

(See sections 2 and 3.)

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parlia- ment	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
2	Audit	1,04,000	..	1,04,000
3	Miscellaneous expenditure	16,04,000	..	16,04,000
4	Working Expenses— Administration	53,55,000	..	53,55,000
5	Working Expenses— Repairs and Maintenance	4,42,40,000	..	4,42,40,000
6	Working Expenses— Operating Staff	15,71,000	..	15,71,000
7	Working Expenses— Operation (Fuel)	1,87,49,000	..	1,87,49,000
8	Working Expenses— Operation other than Staff and Fuel	2,36,01,000	..	2,36,01,000
9	Working Expenses— Miscellaneous Expenses	1,20,33,000	..	1,20,33,000
9A	Working Expenses— Labour Welfare	15,15,000	..	15,15,000
12A	Open Line Works— (Revenue) Labour Welfare	68,17,000	..	68,17,000
12B	Open Line Works— (Revenue) Other than Labour Welfare	40,02,000	..	40,02,000
15	Construction of new lines	1,01,31,000	..	1,01,31,000
16	Open Line Works— Additions	1,53,48,000	..	1,53,48,000
17	Open Line Works— Replacements	7,45,21,000	..	7,45,21,000
	GRAND TOTAL	21,95,91,000	..	21,95,91,000

THE KHADDAR (PROTECTION OF NAME) ACT, 1950.

No. LXXVIII OF 1950

An Act to regulate the use of the words "Khaddar" and "Khadi" when applied as a trade description of woven materials.

[28th December, 1950].

BE it enacted by Parliament as follows:—

1. **Short title and extent.**—(1) This Act may be called the Khaddar (Protection of Name) Act, 1950.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

2. **The words "Khaddar" and "Khadi" to be trade description.**—The words "Khaddar" and "Khadi" whether in Hindi or in any other Indian language or in English, when applied to any woven material, shall be deemed to be a trade

description within the meaning of the Indian Merchandise Marks Act, 1889 (IV of 1889), indicating that such material is cloth woven on handlooms in India from cotton, silk or woollen yarn hand-spun in India or from a mixture of any two or all of such yarns.

3. Repeal.—The Khaddar (Name Protection) Act, 1934 (VIII of 1934), is hereby repealed.

K. V. K. SUNDARAM,
Secy. to the Govt. of India.

